

STATE OF NEW YORK  
SUPREME COURT  
E. J. M.,

COUNTY OF ALBANY

Plaintiff,

SUMMONS

- against -

INDEX NO.

LASALLE SCHOOL INCORPORATED,  
THE BROTHERS OF THE CHRISTIAN  
SCHOOLS DISTRICT OF EASTERN  
NORTH AMERICA INCORPORATED,  
ROMAN CATHOLIC DIOCESE OF  
ALBANY and FATHER JOSEPH R.  
ROMANO,

Defendants.

**TO THE ABOVE NAMED DEFENDANTS:**

**YOU ARE HEREBY SUMMONED** and required to serve upon plaintiff's attorneys an answer to the complaint in this action within twenty (20) days after the service of this summons, exclusive of the day of service, or within thirty (30) days after service is complete if this summons is not personally delivered to you within the State of New York. In case of your failure to answer, judgment will be taken against you by default for the relief demanded in the complaint. The basis of venue designated above is that the incidents took place in the County of Albany, State of New York.

Dated: September 6, 2019



**DONALD W. BOYAJIAN, ESQ.**

**AIMEE E. GREER, ESQ.**

**DREYER BOYAJIAN LLP**

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STATE OF NEW YORK  
SUPREME COURT  
E. J. M.,

COUNTY OF ALBANY

Plaintiff,

COMPLAINT

- against -

LASALLE SCHOOL INCORPORATED,  
THE BROTHERS OF THE CHRISTIAN  
SCHOOLS DISTRICT OF EASTERN  
NORTH AMERICA INCORPORATED,  
ROMAN CATHOLIC DIOCESE OF  
ALBANY, and FATHER JOSEPH R.  
ROMANO,

INDEX NO.

Defendants.

Plaintiff, by and through his attorneys, Dreyer Boyajian LLP, asserts the following as and for his complaint against the above named defendants:

#### PARTIES

1. Plaintiff, E.J.M., is a fifty (50) year old individual who resides in Rensselaer County in the State of New York.

2. While he was a minor, plaintiff E.J.M. was a victim of one or more criminal sex acts in the State of New York. Since such criminal violation is the basis for this action, plaintiff E.J.M. is entitled to the protection of Civil Rights Law 50-b and will file a motion asking this Court for permission to proceed using a pseudonym.

3. In the alternative, plaintiff E.J.M. will seek a stipulation from the defendants agreeing to enter into a protective order which will ensure that his identity is protected from the public while allowing the defendants full access to information necessary for their defense.

4. Defendant, LaSalle School, Inc., upon information and belief is a not-for-profit corporation and/or religious organization organized under the laws of the State of New York with a principal place of business in the County of Albany, State of New York.

5. Defendant, Brothers of the Christian Schools District of Eastern North America, Inc., upon information and belief, is a not-for-profit corporation and/or religious organization organized under the laws of the State of New Jersey with a principal place of business in County of Monmouth, State of New Jersey.

6. Defendant, Roman Catholic Diocese of Albany, is a domestic not-for-profit corporation and/or religious organization organized under the laws of the State of New York with a principal place of business in the County of Albany, State of New York.

7. Defendant, Father Joseph R. Romano, is an individual who at all relevant times resided in the State of New York.

### **FACTS**

8. Upon information and belief, at all times relevant hereto, The Brothers of The Christian Schools District of Eastern North America Inc. ("The Christian Brothers"), was the owner of LaSalle School Inc. ("The LaSalle School") and held itself out to the public as the owner of The LaSalle School.

9. Upon information and belief, at all times relevant hereto, The Christian Brothers, its agents, servants, and/or employees managed, maintained, operated and controlled The LaSalle School and held out to the public its agents, servants and employees as those who managed, maintained, operated and controlled The LaSalle School.

10. Upon information and belief, at all times relevant hereto, The Christian Brothers, its agents, servants and/or employees were responsible for and did the recruitment, hiring and staffing of The LaSalle School, through agents, servants and/or employees.

11. To the extent that The Brothers of The Christian Schools District of Eastern North America Inc. was a different entity, corporation, or organization or is a successor to any entity, corporation or organization of the period of time which Father Romano used his position as a

priest to sexually abuse the plaintiff E.J.M., such entity, corporation or organization is hereby on notice that it is intended to be a defendant in this action.

12. Upon information and belief, at all times relevant hereto, The LaSalle School, its agents, servants and/or employees managed, maintained, operated and controlled The LaSalle School.

13. Upon information and belief, at all times relevant hereto, The LaSalle School held out to the public that its agents, servants and/or employees managed, maintained, operated and/or controlled The LaSalle School.

14. Upon information and belief, at all times relevant hereto, The LaSalle School, its agents, servants and/or employees were responsible for and did the recruiting, hiring and staffing of The LaSalle School, through agents, servants and/or employees.

15. To the extent that The LaSalle School was a different entity, corporation or organization or is a successor to any entity, corporation or organization during the period of time when Father Romano used his position as a priest to sexually abuse the plaintiff E.J.M., such entity, corporation or organization is hereby on notice that it is intended to be a defendant in this action.

16. Upon information and belief, at all times relevant hereto, Defendant Father Romano was a priest within the Roman Catholic Church.

17. Upon information and belief, at all relevant times hereto, defendant, Father Romano, was an agent of and/or served as an employee of the Roman Catholic Diocese of Albany ("The Diocese").

18. To the extent that The Diocese was a different entity, corporation or organization or is a successor to any entity, corporation or organization during the period of time when Father Romano used his position as a priest to sexually abuse the plaintiff E.J.M., such entity, corporation or organization is hereby on notice that it is intended to be a defendant in this action.

19. At all relevant times hereto, The Diocese was managed by Bishop Howard J. Hubbard. The Bishop, as the head of the Diocese, had the authority to control, direct and supervise the actions of Diocese agents, servants and/or employees, including but not limited to, the defendant, Father Romano.

20. Upon information and belief, between 1981 and 1984, The Diocese assigned Father Romano to serve in an official priestly capacity at The LaSalle School.

21. Upon information and belief, between 1981 and 1984, defendant, Father Romano was employed by The LaSalle School as the Coordinator of Religious Education as well as in other capacities as directed.

22. Upon information and belief, at all times relevant hereto, defendant, The LaSalle School, had the authority to control, direct and supervise the actions of its agents, servants and/or employees, including but not limited to, the defendant, Father Romano.

23. Upon information and belief, at all times relevant hereto, defendant, The Christian Brothers, had the authority to control, direct and supervise the actions of its agents, servants and/or employees, including but not limited to the defendant, Father Romano.

24. Upon information and belief, at all times relevant hereto, Father Romano was acting in the course and scope of his agency and/or employment with The Christian Brothers.

25. Upon information and belief, at all times relevant hereto, Father Romano was acting in the course and scope of his agency and/or employment with The LaSalle School.

26. Upon information and belief, at all times relevant hereto, Father Romano was acting in the course and scope of his agency and/or employment with The Diocese.

27. From January 1984 to August 1984, plaintiff, E.J.M. was admitted to the residential treatment program at The LaSalle School, a residential facility and school for the treatment of troubled youth.

28. Upon information and belief, at all times relevant hereto, at The LaSalle School, Father Romano was assigned to, among other things, perform all duties attendant to a priest, including but not limited to, religious services, education, spiritual, moral and ethical guidance, religious instruction and other duties attendant to his job as the Coordinator of Religious Education.

29. Upon information and belief, at all times relevant hereto, The Christian Brothers, their agents, servants and/or employees held Father Romano out to the public, the plaintiff, the plaintiff's parents and others with supervision and control of plaintiff as their agent, servant and/or employee.

30. Upon information and belief, at all times relevant hereto, The LaSalle School, their agents, servants and/or employees, held Father Romano out to the public, the plaintiff, the plaintiff's parents and others with supervision and control of plaintiff as their agent, servant and/or employee.

31. Upon information and belief, at all times relevant hereto, The Diocese, their agents, servants and/or employees, held Father Romano out to the public, the plaintiff, the plaintiff's parents and others with supervision and control of plaintiff as their agent, servant and/or employee.

32. Upon information and belief, at all times relevant hereto, The Christian Brothers, their agents, servants and/or employees, held Father Romano out to the public, the plaintiff, the plaintiff's parents and others with supervision and control of plaintiff as having been vetted, screened and approved by the defendant.

33. Upon information and belief, at all times relevant hereto, The LaSalle School, their agents, servants and/or employees, held Father Romano out to the public, the plaintiff, the plaintiff's parents and others with supervision and control of plaintiff as having been vetted, screened and approved by the defendant.

34. Upon information and belief, at all times relevant hereto, The Diocese, their agents, servants and/or employees, held Father Romano out to the public, the plaintiff, the plaintiff's parents and others with supervision and control of plaintiff as having been vetted, screened and approved by the defendant.

35. Upon information and belief, at all times relevant hereto, the plaintiff, the plaintiff's parents and others with supervision and control of plaintiff reasonably relied upon the acts and representations of The Christian Brothers, their agents servants, and/or employees and reasonably believed that Father Romano was an agent and/or employee of the defendant who was vetted, screened and approved by those defendants.

36. Upon information and belief, at all times relevant hereto, the plaintiff, the plaintiff's parents and others with supervision and control of plaintiff reasonably relied upon the acts and representations of The LaSalle School, their agents, servants and/or employees and reasonably believed that Father Romano was an agent and/or employee of the defendant who was vetted, screened and approved by those defendants.

37. Upon information and belief, at all times relevant hereto, the plaintiff, the plaintiff's parents and others with supervision and control of plaintiff reasonably relied upon the acts and representations of The Diocese, their agents, servants and/or employees and reasonably believed that Father Romano was an agent and/or employee of the defendant who was vetted, screened and approved by those defendants.

38. Upon information and belief, at all times relevant hereto, the plaintiff, the plaintiff's parents and others with supervision and control of plaintiff trusted Father Romano because The Christian Brothers held him out as someone who was safe and could be trusted with the supervision, care, custody and control of the plaintiff.

39. Upon information and belief, at all times relevant hereto, the plaintiff, the plaintiff's parents and others with supervision and control of plaintiff trusted Father Romano because The LaSalle School held him out as someone who was safe and could be trusted with the supervision, care, custody and control of the plaintiff.

40. Upon information and belief, at all times relevant hereto, the plaintiff, the plaintiff's parents and others with supervision and control of plaintiff trusted Father Romano because The Diocese held him out as someone who was safe and could be trusted with the supervision, care, custody and control of the plaintiff.

41. Upon information and belief, at all times relevant hereto, the plaintiff, the plaintiff's parents and others with supervision and control of plaintiff believed that The Christian Brothers would exercise such care as would a parent of ordinary prudence in comparable circumstances when the defendant assumed supervision, care, custody and control of the plaintiff.

42. Upon information and belief, at all times relevant hereto, the plaintiff, the plaintiff's parents and others with supervision and control of plaintiff believed that The LaSalle School would exercise such care as would a parent of ordinary prudence in comparable circumstances when the defendant assumed supervision, care, custody and control of the plaintiff.

43. Upon information and belief, at all times relevant hereto, the plaintiff, the plaintiff's parents and others with supervision and control of plaintiff believed that The Diocese would exercise such care as would a parent of ordinary prudence in comparable circumstances when the defendant assumed supervision, care, custody and control of the plaintiff.

44. Upon information and belief, at all times relevant hereto, based upon the representations of The Christian Brothers, The LaSalle School and/or The Diocese that Father Romano was safe and trustworthy, the plaintiff, his parents and others with supervision and control of plaintiff allowed the plaintiff to be under the supervision of, and in the care, custody and control



of The Christian Brothers, The LaSalle School and/or The Diocese, including during the times when E.J.M. was sexually abused by Father Romano.

45. Upon information and belief, at all times relevant hereto, based upon the representations of The Christian Brothers, The LaSalle School, and/or The Diocese that Father Romano was safe and trustworthy, the plaintiff, his parents and others with supervision and control of plaintiff allowed the plaintiff to be under the supervision of, and in the care, custody, and control of Father Romano, including during the times when E.J.M. was sexually abused by Father Romano.

46. The Christian Brothers empowered Father Romano to perform all duties attendant to a priest, including but not limited to, religious services, education, spiritual, moral and ethical guidance, religious instruction and other duties attendant to his job.

47. The LaSalle School empowered Father Romano to perform all duties attendant to a priest, including but not limited to, religious services, education, spiritual, moral and ethical guidance, religious instruction and other duties attendant to his job.

48. The Diocese empowered Father Romano to perform all duties attendant to a priest, including but not limited to, religious services, education, spiritual, moral and ethical guidance, religious instruction and other duties attendant to his job.

49. Upon information and belief, at all times relevant hereto, The Christian Brothers materially benefitted from the operation of The LaSalle School, including the services of Father Romano and the services of those who managed and supervised Father Romano.

50. Upon information and belief, at all times relevant hereto, The LaSalle School materially benefitted from the operation of The LaSalle School, including the services of Father Romano and the services of those who managed and supervised Father Romano.

51. Upon information and belief, at all times relevant hereto, The Diocese materially benefitted from the operation of The LaSalle School, including the services of Father Romano and the services of those who managed and supervised Father Romano.

52. Upon information and belief, at all times relevant hereto, Father Romano had an office on the premises of The LaSalle School.

53. At The LaSalle School, Father Romano had direct and repeated access to the plaintiff and other grade school boys who resided at and attended The LaSalle School.

54. For the purposes of furthering his assigned duties at The LaSalle School and The Diocese, Father Romano befriended the plaintiff, gained his trust and confidence as a spiritual and religious guide and as a valuable and trustworthy mentor to plaintiff; and, aided by the defendants, sought and gained the authority that the plaintiff was to have respect for Father Romano's authority, guidance and to comply with his instructions and requests.

55. For the purpose of furthering Father Romano's duties at The LaSalle School and The Diocese, he also actively sought and gained the trust, friendship, admiration and obedience of the plaintiff in this case. As a result, plaintiff confided in Father Romano regarding traumatic experiences in his earlier childhood. Plaintiff further as a result, was conditioned to comply with Father Romano's direction and view and respect him as a person of authority in spiritual, moral and ethical matters.

56. The above course of conduct, described in paragraphs 52 and 53 supra, leading to the sexual abuse described in the below paragraphs, is hereinafter collectively referred to as "Grooming".

57. From approximately January 1984 to August 1984, Father Romano exploited the trust and authority vested in him by the defendants by Grooming E.J.M. to gain his trust and obtain

control over him as part of Father Romano's plan to sexually molest and abuse E.J.M. and other children.

58. The Grooming was committed in direct connection with and for the purposes of fulfilling Father Romano's employment and agency with The LaSalle School and The Diocese, was committed within the time and space limits of his employment and agency as a priest and was done directly in the performance of his duties as a priest, and was done pursuant to the power vested in him by The Christian Brothers, The LaSalle School and/or The Diocese.

59. Father Romano used the Grooming process to accomplish his acts of sexual molestation of the plaintiff and the Grooming contributed causally to the molestation.

60. E.J.M. was sexually abused by Father Romano when he was a minor. Plaintiff was approximately fifteen (15) years old at the time of the sexual abuse alleged herein.

61. Father Romano used his position of trust and authority as a priest and agent, servant and/or employee of The Christian Brothers, The LaSalle School and/or The Diocese to groom E.J.M. and to sexually abuse him multiple times, including when E.J.M. was under the supervision of and in the care, custody or control of The Christian Brothers, The LaSalle School, and/or The Diocese and Father Romano.

62. At certain times, the sexual abuse of E.J.M. by Father Romano occurred on the premise of The LaSalle School in Father Romano's office provided in connection with his acts as an agent, servant and/or employee of the defendants. Upon information and belief, at other times, the abuse occurred at an apartment owned by The Diocese.

63. Upon information and belief, at all times relevant hereto, The Christian Brothers, The LaSalle School, and/or The Diocese owned the premises of The LaSalle School and allowed Father Romano to utilize the office as a benefit of his acts as an agent, servant and/or employee of the defendants.

64. Upon information and belief, at certain times, the sexual abuse of E.J.M. by Father Romano occurred on the premises of The Christian Brothers, The LaSalle School and/or The Diocese in Father Romano's apartment which was part of the rectory housing where Father Romano lived while he was providing services to The Christian Brothers, The LaSalle School and/or The Diocese.

65. Upon information and belief, at all times relevant hereto, The Christian Brothers, The LaSalle School, and/or The Diocese owned the housing and allowed Father Romano to live there as a benefit of his acts as an agent, servant and/or employee of the defendants.

66. Upon information and belief, prior to the times mentioned herein, Father Romano was a known sexual abuser of children.

67. Upon information and belief, at all times relevant hereto, defendants, their agents, servants and/or employees, knew or should have known that Father Romano was a known sexual abuser of children.

68. Upon information and belief, at all times relevant hereto, it was reasonably foreseeable to the defendants, their agents, servants and/or employees that Father Romano's sexual abuse of children would likely result in injury to others, including the sexual abuse of E.J.M. and other children by Father Romano.

69. Upon information and belief, at all times relevant hereto, defendants, their agents, servants and/or employees, knew or should have known that Father Romano was sexually abusing E.J.M. and other children at The LaSalle School and elsewhere.

70. Upon information and belief, at all times relevant hereto, defendants, their agents, servants and/or employees knew or should have known that the sexual abuse by Father Romano of E.J.M. was ongoing.

71. Upon information and belief, at all times relevant hereto, The Christian Brothers, The LaSalle School, and/or The Diocese, their agents, servants, and/or employees knew or should have known that Father Romano was likely to abuse children including E.J.M., because Father Romano sexually abused other children in The LaSalle School and/or The Diocese well before E.J.M. was abused.

72. Upon information and belief, at all times relevant hereto, The Christian Brothers, The LaSalle School and/or The Diocese, their agents, servants and/or employees, knew or should have known before and during Father Romano's sexual abuse of E.J.M. that priests and other persons serving The Christian Brothers, The LaSalle School and/or The Diocese had used their positions with those defendants to groom and to sexually abuse children.

73. Upon information and belief, The Christian Brothers, The LaSalle School and/or The Diocese, their agents, servants and/or employees, concealed the sexual abuse of children by Father Romano in order to conceal their own bad acts in failing to protect children from him, to protect their reputation, despite knowing that Father Romano would continue to molest and sexually abuse children.

74. Upon information and belief, The Christian Brothers, The LaSalle School, and/or The Diocese, their agents, servants and/or employees, consciously and recklessly and/or negligently disregarded their knowledge that Father Romano would use his position with the defendants to sexually abuse children, including the plaintiff.

75. Upon information and belief, The Christian Brothers, The LaSalle School and/or The Diocese, their agents, servants and/or employees, acted in concert with one another and/or with Father Romano to conceal the danger that Father Romano posed to children including E.J.M., so that Father Romano could continue to serve the defendants, despite their knowledge of the danger.

**A. FIRST CAUSE OF ACTION - ASSAULT AND  
BATTERY/RESPONDEAT SUPERIOR**

76. Plaintiff repeats, realleges and incorporates by reference paragraphs 1 through 75 of this Complaint.

77. Father Romano sexually molested and abused plaintiff in 1984 when he was a young student and resident at The LaSalle School.

78. Each instance of Father Romano's molestation and sexual abuse of the plaintiff constituted an intentional harmful and offensive touching, without consent.

79. A master-servant relationship existed between Father Romano and The Christian Brothers, The LaSalle School and/or The Diocese at all times relevant hereto.

80. Father Romano was at all times acting within the course and scope of his employment or agency in performing duties for and on behalf of The Christian Brothers, The LaSalle School and/or The Diocese.

81. As a direct and proximate result of Father Romano's sexual molestation and abuse, plaintiff sustained physical and psychological injuries, including but not limited to, severe and debilitating physical and mental injury, pain and suffering, physical and emotional trauma, humiliation, fright, loss of faith and permanent psychological damage.

82. As a result and consequence of Father Romano's sexual molestation and abuse, plaintiff has incurred or will incur costs in the future including but not limited to, costs of counseling, and psychological medical treatment, in an amount to be proven at trial. Father Romano's sexual molestation and abuse has resulted in the inability of Plaintiff to achieve economic success as he otherwise would have, resulting in lost wages in an amount to be proven at trial.

**B. SECOND CAUSE OF ACTION- NEGLIGENCE/RESPONDEAT SUPERIOR**

83. Plaintiff repeats, realleges, and incorporates by reference paragraphs 1 through 82 of this Complaint.

84. The Christian Brothers, The LaSalle School and/or The Diocese empowered Father Romano to perform all duties attendant to a priest, including but not limited to, religious services, education, spiritual, moral and ethical guidance, religious instruction and other duties attendant to his job.

85. By virtue of his position, Father Romano owed the plaintiff a duty of utmost care.

86. Father Romano breached that duty by repeatedly sexually molesting and abusing the plaintiff in 1984.

87. A master-servant relationship existed between Father Romano and The Christian Brothers, The LaSalle School and/or The Diocese at all times relevant hereto.

88. Father Romano was at all times acting within the course and scope of his employment or agency in performing duties for and on behalf of The Christian Brothers, The LaSalle School and/or The Diocese.

89. The Christian Brothers, The LaSalle School and/or The Diocese were supervising E.J.M. and had care, custody and control of E.J.M. when he attended The LaSalle School as a student and resident.

90. The Christian Brothers, The LaSalle School and/or The Diocese had a duty to take reasonable steps to protect the Plaintiff, a child, from foreseeable harm when he was under their supervision and in their care, custody and control.

91. The Christian Brothers, The LaSalle School and/or The Diocese had a duty to take reasonable steps to prevent Father Romano from using the tasks, premises and instrumentalities of his position with the defendants to target, groom and sexually abuse children, including E.J.M.

92. These circumstances created a special relationship between The Christian Brothers, The LaSalle School and/or The Diocese and E.J.M., which imposed on each of those defendants a duty to exercise a degree of care of a parent of ordinary prudence in comparable circumstances.

93. The Christian Brothers, The LaSalle School and/or The Diocese breached each of the foregoing duties by failing to exercise reasonable care to prevent Father Romano from harming E.J.M., including sexually molesting and abusing E.J.M.

94. As a direct and proximate result of Father Romano's negligence, plaintiff sustained physical and psychological injuries, including but not limited to, severe and debilitating physical and mental injury, pain and suffering, physical and emotional trauma, humiliation, fright, loss of faith and permanent psychological damage.

95. As a direct and proximate result and consequence of Father Romano's negligence, plaintiff has incurred or will incur costs in the future including but not limited to, costs of counseling, and psychological medical treatment, in an amount to be proven at trial. Father Romano's negligence has resulted in the inability of plaintiff to achieve economic success as he otherwise would have, resulting in lost wages in an amount to be proven at trial.

96. As a direct and proximate result of the negligence of The Christian Brothers, The LaSalle School and/or The Diocese, plaintiff sustained physical and psychological injuries, including but not limited to, severe and debilitating physical and mental injury, pain and suffering, physical and emotional trauma, humiliation, fright, loss of faith and permanent psychological damage.



97. As a direct and proximate result and consequence of the negligence of The Christian Brothers, The LaSalle School and/or The Diocese, plaintiff has incurred or will incur costs in the future including but not limited to, costs of counseling, and psychological medical treatment, in an amount to be proven at trial. The negligence of The Christian Brothers, The LaSalle School and/or The Diocese has resulted in the inability of plaintiff to achieve economic success as he otherwise would have, resulting in lost wages in an amount to be proven at trial.

**C. THIRD CAUSE OF ACTION- INTENTIONAL INFLICTION OF  
EMOTIONAL DISTRESS/ RESPONDEAT SUPERIOR**

98. Plaintiff repeats, realleges, and incorporates by reference paragraphs 1 through 97 of this Complaint.

99. The Christian Brothers, The LaSalle School and/or The Diocese empowered Father Romano to perform all duties attendant to a priest, including but not limited to, religious services, education, spiritual, moral and ethical guidance, religious instruction and other duties attendant to his job.

100. Father Romano repeatedly sexually molested and abused the plaintiff in 1984.

101. Father Romano's conduct was extreme, outrageous and reckless. His misconduct is shocking and exceeds all bounds of decency and is utterly intolerable in a civilized community.

102. The Christian Brothers, The LaSalle School and/or The Diocese engaged in reckless, extreme and outrageous conduct by providing Father Romano with access to children, including the plaintiff, despite knowing or when it reasonably should have known that Father Romano was or would likely use his position to groom and sexually molest and abuse children, including E.J.M.

103. The misconduct of The Christian Brothers, The LaSalle School and/or The Diocese was so shocking and outrageous that it exceeds the reasonable bounds of decency and is utterly intolerable in a civilized community.

104. A master-servant relationship existed between Father Romano and The Christian Brothers, The LaSalle School and/or The Diocese at all times relevant hereto.

105. Father Romano was at all times acting within the course and scope of his employment or agency in performing duties for and on behalf of The Christian Brothers, The LaSalle School and/or The Diocese.

106. Father Romano knew or should have known that this reckless, extreme and outrageous conduct would inflict severe emotional and psychological distress and personal physical injury to E.J.M., including but not limited to, severe and debilitating physical and mental injury, pain and suffering, physical and emotional trauma, humiliation, fright, loss of faith and permanent psychological damage.

107. The Christian Brothers, The LaSalle School and/or The Diocese knew or should have known that this reckless, extreme and outrageous conduct would inflict severe emotional and psychological distress and personal physical injury to E.J.M., including but not limited to, severe and debilitating physical and mental injury, pain and suffering, physical and emotional trauma, humiliation, fright, loss of faith and permanent psychological damage.

108. It was foreseeable that the misconduct of Father Romano would cause severe emotional and psychological distress and personal physical injury to E.J.M., including but not limited to, severe and debilitating physical and mental injury, pain and suffering, physical and emotional trauma, humiliation, fright, loss of faith and permanent psychological damage.

109. It was foreseeable that the misconduct of The Christian Brothers, The LaSalle School and/or The Diocese would cause severe emotional and psychological distress and personal

physical injury to E.J.M., including but not limited to, severe and debilitating physical and mental injury, pain and suffering, physical and emotional trauma, humiliation, fright, loss of faith and permanent psychological damage.

110. The misconduct of Father Romano was the direct and proximate cause of the plaintiff's severe emotional and psychological distress and personal physical injury, including but not limited to, severe and debilitating physical and mental injury, pain and suffering, physical and emotional trauma, humiliation, fright, loss of faith and permanent psychological damage.

111. The misconduct of The Christian Brothers, The LaSalle School and/or The Diocese was the direct and proximate cause of the plaintiff's severe emotional and psychological distress and personal physical injury, including but not limited to, severe and debilitating physical and mental injury, pain and suffering, physical and emotional trauma, humiliation, fright, loss of faith and permanent psychological damage.

112. The emotional trauma experienced by plaintiff as a result of defendants' conduct has manifested itself in physical injuries.

113. As a direct and proximate result and consequence of Father Romano's misconduct, plaintiff has incurred or will incur costs in the future including but not limited to, costs of counseling and psychological medical treatment, in an amount to be proven at trial. The misconduct of Father Romano has resulted in the inability of plaintiff to achieve economic success as he otherwise would have, resulting in lost wages in an amount to be proven at trial.

114. As a direct and proximate result and consequence of the misconduct of The Christian Brothers, The LaSalle School and/or The Diocese, plaintiff has incurred or will incur costs in the future including but not limited to, costs of counseling and psychological medical treatment, in an amount to be proven at trial. The misconduct of The Christian Brothers, The

LaSalle School and/or The Diocese has resulted in the inability of plaintiff to achieve economic success as he otherwise would have, resulting in lost wages in an amount to be proven at trial.

**D. FOURTH CAUSE OF ACTION- NEGLIGENT INFLECTION  
OF EMOTIONAL DISTRESS**

115. Plaintiff repeats, realleges, and incorporates by reference paragraphs 1 through 114 of this Complaint.

116. The Christian Brothers, The LaSalle School and/or The Diocese empowered Father Romano to perform all duties attendant to a priest, including but not limited to, religious services, education, spiritual, moral and ethical guidance, religious instruction and other duties attendant to his job.

117. By virtue of his position, Father Romano owed the plaintiff a duty of utmost care.

118. Father Romano breached that duty by repeatedly sexually molesting and abusing the plaintiff in 1984.

119. Father Romano's negligent conduct was extreme and outrageous. His misconduct is shocking and exceeds all bounds of decency and is utterly intolerable in a civilized community.

120. The Christian Brothers, The LaSalle School and/or The Diocese were supervising E.J.M., and had care, custody and control of E.J.M. when he attended The LaSalle School as a student and resident.

121. The Christian Brothers, The LaSalle School and/or The Diocese had a duty to take reasonable steps to protect the plaintiff, a child, from foreseeable harm when he was under their supervision and in their care, custody and control.

122. The Christian Brothers, The LaSalle School and/or The Diocese had a duty to take reasonable steps to prevent Father Romano from using the tasks, premises and instrumentalities of his position with the defendants to target, groom and sexually abuse children, including E.J.M..

123. These circumstances created a special relationship between The Christian Brothers, The LaSalle School and/or The Diocese and E.J.M. which imposed on each of those defendants a duty to exercise a degree of care of a parent of ordinary prudence in comparable circumstances.

124. The Christian Brothers, The LaSalle School and/or The Diocese breached each of the foregoing duties by failing to exercise reasonable care to prevent Father Romano from harming E.J.M., including sexually molesting and abusing E.J.M.

125. The Christian Brothers, The LaSalle School and/or The Diocese engaged in reckless, extreme and outrageous conduct by providing Father Romano with access to children, including the plaintiff, despite knowing or when it reasonably should have known that Father Romano was or would likely use his position to groom, sexually molest and abuse children, including E.J.M.

126. The negligence of The Christian Brothers, The LaSalle School and/or The Diocese was so shocking and outrageous that it exceeds the reasonable bounds of decency and is utterly intolerable in a civilized community.

127. A master-servant relationship existed between Father Romano and The Christian Brothers, The LaSalle School and/or The Diocese at all times relevant hereto.

128. Father Romano was at all times acting within the course and scope of his employment or agency in performing duties for and on behalf of The Christian Brothers, The LaSalle School and/or The Diocese.

129. Father Romano knew or should have known that this negligent, extreme and outrageous conduct would inflict severe emotional and psychological distress and personal physical injury to E.J.M., including but not limited to, severe and debilitating physical and mental injury, pain and suffering, physical and emotional trauma, humiliation, fright, loss of faith,

increased stress, depression, an inability to sleep, nightmares and permanent psychological damage.

130. The Christian Brothers, The LaSalle School and/or The Diocese knew or should have known that this negligent, extreme and outrageous conduct would inflict severe emotional and psychological distress and personal physical injury to E.J.M., including but not limited to, severe and debilitating physical and mental injury, pain and suffering, physical and emotional trauma, humiliation, fright, loss of faith, increased stress, depression, an inability to sleep, nightmares and permanent psychological damage.

131. It was foreseeable that the negligence of Father Romano would cause severe emotional and psychological distress and personal physical injury to E.J.M., including but not limited to, severe and debilitating physical and mental injury, pain and suffering, physical and emotional trauma, humiliation, fright, loss of faith, increased stress, depression, an inability to sleep, nightmares and permanent psychological damage.

132. It was foreseeable that the negligence of The Christian Brothers, The LaSalle School and/or The Diocese would cause severe emotional and psychological distress and personal physical injury to E.J.M., including but not limited to, severe and debilitating physical and mental injury, pain and suffering, physical and emotional trauma, humiliation, fright, loss of faith, increased stress, depression, an inability to sleep, nightmares and permanent psychological damage.

133. The negligence of Father Romano was the direct and proximate cause of the plaintiff's severe emotional and psychological distress and personal physical injury, including but not limited to, severe and debilitating physical and mental injury, pain and suffering, physical and emotional trauma, humiliation, fright, loss of faith, increased stress, depression, an inability to sleep, nightmares and permanent psychological damage.

134. The negligence of The Christian Brothers, The LaSalle School and/or The Diocese was the direct and proximate cause of the plaintiff's severe emotional and psychological distress and personal physical injury, including but not limited to, severe and debilitating physical and mental injury, pain and suffering, physical and emotional trauma, humiliation, fright, and loss of faith, increased stress, depression, an inability to sleep, nightmares and permanent psychological damage.

135. The emotional trauma experienced by plaintiff as a result of defendants' conduct has manifested itself in physical injuries.

136. As a direct and proximate result and consequence of Father Romano's negligence, plaintiff has incurred or will incur costs in the future including but not limited to, costs of counseling and psychological medical treatment, in an amount to be proven at trial. The negligence of Father Romano has resulted in the inability of plaintiff to achieve economic success as he otherwise would have, resulting in lost wages in an amount to be proven at trial.

137. As a direct and proximate result and consequence of the negligence of The Christian Brothers, The LaSalle School and/or The Diocese, plaintiff has incurred or will incur costs in the future including but not limited to, costs of counseling, and psychological medical treatment, in an amount to be proven at trial. The negligence of The Christian Brothers, The LaSalle School and/or The Diocese has resulted in the inability of plaintiff to achieve economic success as he otherwise would have, resulting in lost wages in an amount to be proven at trial.

**WHEREFORE**, Plaintiff requests that the Court enter judgment in favor of the Plaintiff with respect to all causes of action, award compensatory and punitive damages to be determined

at trial, interest thereon, attorney's fees, costs, disbursements and such other relief as the Court may deem just and proper.

Dated: September 6, 2019

A handwritten signature in black ink, appearing to read 'D. Boyajian', is written over a horizontal line.

**DONALD W. BOYAJIAN, ESQ.**

**AIMEE E. GREER, ESQ.**

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